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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/803,401

03/18/2004

Takayuki Kihara

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10/10/2006

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EXAMINER

URICK, MATTHEW T

ART UNIT

PAPER NUMBER

2113

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/803,401

Applicant(s)

KIHARA, TAKAYUKI

Examiner

Matt Urick

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5/13/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Non-Final Official Action***

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motoyama '812 (US Patent 6,473,812) in view of Microsoft Computer Dictionary (fifth edition).

As per claim 1, Motoyama '812 discloses:

An automatic analysis apparatus comprising:

a) an analysis unit for analyzing an object to be analyzed (column 9 lines 16-25: analysis performed in step 394 according to "connectionless protocol" message.

Abstract lines 1-8 and column 8 lines 12-21: "Connectionless protocol" refers to email messages) ;

b) a reception unit for receiving a control e-mail via communication line (Column 7 line 64 – column 8 line 3: data may be "extracted" by decryption, followed by parsing specific parts of the message into commands. Column 7 lines 46-48: this is the result of an incoming message reception);

c) a data extraction unit for extracting a specific data from the control e-mail (column 9 lines 16-25: analysis performed in step 394 according to "connectionless

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protocol" message. Column 7 line 64 – column 8 line 3: data may be "extracted" by decryption, followed by parsing specific parts of the message into commands) and

d) a control unit for controlling the analysis unit based on the specific data extracted by the data extraction unit analyzed (column 9 lines 16-25: analysis performed in step 394 according to "connectionless protocol" message)

Motoyama '812 does not disclose:

receiving a control e-mail via a wire line or a wireless communication line;

Microsoft Computer Dictionary discloses that a Wireless LAN is a local area network which does not require any physical connections to be made. This technology is commonly used in office settings. Motoyama's system connects business office machines (column 1 lines 31-36) using a local area network (column 2 lines 21-24), but makes no special requirements about the network. Additionally, Motoyama discloses that devices may be added or removed (column 2 lines 25-33). Using a wireless LAN would enable the users of the business network to maintain connections throughout the environment, while retaining flexibility when adding or removing devices. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate wireless connections into the messaging system of Motoyama, increasing accessibility and flexibility.

As per claim 2, Motoyama discloses:

The automatic analysis apparatus according to claim 1, further comprising:

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e) a mail creation unit for creating a notification e-mail based on various data generated during an analysis process (column 9 lines 25-26 and step 396: results of analysis sent back); and

f) a transmission unit for transmitting the notification e-mail created by the mail creation unit through the communication line to a predetermined destination (column 9 lines 25-26 and step 396: results of analysis sent back. Column 8 lines 3-11: messages are encrypted and transmitted),

wherein the reception unit receives a response e-mail, as the control e-mail, through the communication line, in response to the notification e-mail that was previously transmitted from the transmission unit (column 8 lines 58-67: a request for acknowledgement email may be sent to detect whether or not the connectionless messaging communication is functioning correctly).

As per claim 5, Motoyama discloses:

A method for controlling an analysis unit for analyzing an object to be analyzed, the method comprising:

receiving a control e-mail (Column 7 line 64 – column 8 line 3: data may be “extracted” by decryption, followed by parsing specific parts of the message into commands. Column 7 lines 46-48: this is the result of an incoming message reception);

extracting a specific data from the control e-mail (Column 7 line 64 – column 8 line 3: data may be “extracted” by decryption, followed by parsing specific parts of the

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message into commands. Column 7 lines 46-48: this is the result of an incoming message reception); and

controlling the analysis unit based on the specific data extracted (column 9 lines 16-25: analysis performed in step 394 according to "connectionless protocol" message).

Motoyama does not explicitly disclose:

receiving a control e-mail via a wire line or a wireless communication line

Microsoft Computer Dictionary discloses that a Wireless LAN is a local area network which does not require any physical connections to be made. This technology is commonly used in office settings. Motoyama's system connects business office machines (column 1 lines 31-36) using a local area network (column 2 lines 21-24), but makes no special requirements about the network. Additionally, Motoyama discloses that devices may be added or removed (column 2 lines 25-33). Using a wireless LAN would enable the users of the business network to maintain connections throughout the environment, while retaining flexibility when adding or removing devices. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate wireless connections into the messaging system of Motoyama, increasing accessibility and flexibility.

As per claim 6, Motoyama discloses:

The method according to claim 5, further comprising:

creating a notification e-mail based on various data generated during an analysis process;

transmitting the notification e-mail created through the communication line to a predetermined destination (column 9 lines 25-26 and step 396: results of analysis sent back); and

receiving a response e-mail, as the control e-mail, through the communication line in response to the notification e-mail that was previously transmitted (column 8 lines 58-67: a request for acknowledgement email may be sent to detect whether or not the connectionless messaging communication is functioning correctly).

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motoyama '812 (US Patent 6,473,812) in view of Microsoft Computer Dictionary (fifth edition) as applied above, and in further view of Motoyama '952 (US Patent Application Publication 2003/0055952).

As per claim 3, Motoyama '812 and Microsoft Computer Dictionary do not disclose:

The automatic analysis apparatus according to claim 1, wherein the data extraction unit extracts the specific data from a message included in the control e-mail, or a data contained in an attached file of the control e-mail.

Motoyama '952 discloses an email messaging system which formats the results of an analysis and forwards them as an MIME attached message in an email

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(Motoyama '952 abstract, and ¶ 112 lines 12-15). Motoyama '952 discloses that this standard format enables a large network to be monitored effectively, without taking into consideration varying protocols from varying types of devices (Motoyama '952 ¶ 7-8). Motoyama '812 discloses he intends to connect multiple different devices to his network (Motoyama '812 column 2 lines 25-33), and use email to send test results between the devices (column 9 lines 16-25: analysis sent in step 396), although not explicitly stating that he intends to use attachments to carry the messages. Using MIME attached messages to send test results over the network would enable a wide variety of devices to communicate and send results through email effectively, without compatibility issues. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate MIME attached messages into the messaging system of Motoyama '812, increasing compatibility.

As per claim 4, Motoyama '812 and Microsoft Computer Dictionary do not disclose:

The automatic analysis apparatus according to claim 2, wherein the mail creation unit creates the notification e-mail, which includes a message written based on the various data generated during the analysis process, or an attached data file prepared based on the various data generated during the analysis process.

Motoyama '952 discloses an email messaging system which formats the results of an analysis and forwards them as an MIME attached message in an email



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(Motoyama '952 abstract, and ¶ 112 lines 12-15). Motoyama '952 discloses that this standard format enables a large network to be monitored effectively, without taking into consideration varying protocols from varying types of devices (Motoyama '952 ¶ 7-8). Motoyama '812 discloses he intends to connect multiple different devices to his network (Motoyama '812 column 2 lines 25-33), and use email to send test results between the devices (column 9 lines 16-25: analysis sent in step 396), although not explicitly stating that he intends to use attachments to carry the messages. Using MIME attached messages to send test results over the network would enable a wide variety of devices to communicate and send results through email effectively, without compatibility issues. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate MIME attached messages into the messaging system of Motoyama '812, increasing compatibility.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matt Urick whose telephone number is (571) 272-0805. The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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